

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA**

In re:

SPECIALTY RETAIL SHOPS HOLDING
CORP., *et al.*,

Debtors.

Chapter 11

Case No. 19-80064-TLS

(Jointly Administered)

**JIMCO LAMP & MANUFACTURING COMPANY'S
REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM**

Jimco Lamp & Manufacturing Company (“**Jimco**”), by and through its undersigned counsel, pursuant to this Court’s February 14, 2019 *Order (I) Setting A Bar Date For Filing Proofs Of Claim, Including Claims Arising Under Section 503(b)(9) Of The Bankruptcy Code, (II) Setting A Bar Date For The Filing Of Proofs Of Claim By Governmental Units, (III) Setting A Bar Date For The Filing Of Requests For Allowance of Administrative Expense Claims, (IV) Setting An Amended Schedules Bar Date, (V) Setting A Rejection Damages Bar Date, (VI) Setting A Premise Liability Claims Bar Date, (VII) Approving The Form Of And Manner For Filing Proofs Of Claim, (VIII) Approving Notice Of The Bar Dates, And (IX) Granting Related Relief* (Doc. 421, the “**Bar Date Order**”), hereby submits this request for payment of an administrative expense claim.

Jimco holds an administrative claim in the amount of \$19,660.46 that is entitled to administrative expense status under 11 U.S.C. § 503(b)(9) because it represents the value of goods sold by Jimco to ShopKo Stores Operating Co., LLC (“**ShopKo**”) in the ordinary course of Shopko’s business and received by Shopko within 20 days prior to Shopko’s bankruptcy filing. Pursuant to the requirements of paragraph 4 of the Bar Date Order, Jimco previously asserted this administrative claim arising under 11 U.S.C. § 503(b)(9) in Jimco’s filed proof of claim (Proof of Claim Number 1492-1, the “**Jimco POC**”).

Notwithstanding the Bar Date Order’s clear and unambiguous language that administrative claims arising under 11 U.S.C. § 503(b)(9) may be asserted via proof of claim, rather than via a request for administrative expense, Article II.A. of ShopKo’s proposed plan (Doc. 570, the “**Plan**”) appears to imply that all administrative claims (including those arising under 11 U.S.C. § 503(b)(9)) must be asserted by a request for payment of administrative expense filed

and served on the debtors before the Administrative Claims Bar Date (as defined in the Plan) and pursuant to procedures specified in a yet-to-be-issued confirmation order. This inconsistency between the Plan and the Bar Date Order may well be unintentional. However, out of an abundance of caution, Jimco hereby reasserts and requests payment of its \$19,660.46 administrative claim arising under 11 U.S.C. § 503(b)(9):

1. Amount of Claim: \$19,660.46.
2. Basis for Claim: In accordance with Section 503(b)(9), this claim represents the value of goods sold by Jimco to ShopKo in the ordinary course of ShopKo's business and received by ShopKo within 20 days prior to ShopKo's bankruptcy filing.
3. Backup to Claim: Attached as Exhibit A are copies of the invoices and bills of lading establishing this administrative claim.
4. Reservation of Rights: Jimco reserves any and all rights it has or may have in law and in equity and any and all rights it has or may have under state law or federal law, including without limitation its right to set off part or all of its claim.
5. Right to Amend: Jimco specifically reserves its right to amend or supplement this request for any purpose.
6. 9013-1 Notice: Please take notice that pursuant to Rule 9013-1(E), any objection or resistance to this Request for Payment of Administrative Expense Claim must be filed on or before **April 22, 2019** ("**Resistance Date**"). If no objection or resistance is timely filed on or before the Resistance Date, then pursuant to Rule 9013-1(D) the Court may enter an order in favor of the moving party.

Dated: April 1, 2019

JIMCO LAMP & MANUFACTURING
COMPANY

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CERTIFICATE OF SERVICE

I certify that on April 1, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record registered with the CM/ECF system.

I further certify that on April 1, 2019, I served the following parties by first class, U.S. Mail, postage prepaid:

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s/ Joshua C. Dickinson

EXHIBIT A

[INVOICES AND BILLS OF LADINGS]